IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7676 OF 2003

Sampatsingh B. Pardeshi ....Petitioner
V/s.
Laxman G. Padekar & Anr. ....Respondents

Mr.Uday Warunjikar for the Petitioner.
Mr.Kanitkar i/b Mr.G.S. Godbole for Respondent No.1.

CORAM : S.J. VAZIFDAR, J.
DATED : 27TH FEBRUARY, 2007.

P.C. :

1. Rule. Rule returnable and heard forthwith.

2. Mr.Warunjikar, the learned counsel appearing on behalf of the Petitioner submits that the Appellate Court has wrongly accepted the document in evidence without the same having been proved.

3. The impugned order read as a whole merely permits Respondent No.1 to produce the document in evidence at the appeal stage. In any event quite clearly the question of Respondent No.1 having proved the document or not, has not been decided. In the circumstances, even assuming that merely because the operative part of the order states that the

application is allowed, it is clarified that the first Respondent’s application is allowed only to the extent of Respondent No.1 being permitted to produce and prove the document in evidence. The question of whether Respondent No.1 has actually proved the document in evidence and whether the document should be permitted to be read in evidence is kept open and the same shall be decided by the Appellate Court at the appropriate stage.

4. The Rule is made absolute accordingly.